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# JUVENILE RECIDIVISM IN VIRGINIA

*“Recidivism is a fruit salad concept in the criminal justice world.”<sup>1</sup>*

## INTRODUCTION

Recidivism, or reoffending, is an important concept for both juvenile and adult criminal justice systems because it provides one measure to determine successful outcomes. In terms of public awareness, recidivism is usually the primary measure of interest when evaluating the effectiveness of interventions with adult or juvenile offenders. A standardized measure of recidivism would allow evaluation across different types of programs and facilitate comparison across states. As Beck suggests, recidivism studies seldom agree on the exact meaning of the term, the measures that should be used in recidivism evaluation, and what the rate quoted may actually depict.<sup>2</sup> For this report, the terms recidivism and reoffending will be used interchangeably to refer to a return to delinquent and criminal behavior.

This report focuses on reoffense rates for adjudicated juveniles in the Commonwealth of Virginia. The Virginia Department of Juvenile Justice (DJJ) has responsibility for juveniles in a variety of settings. The two predominant populations are juveniles committed to juvenile correctional centers (JCCs) and those placed on probation. Before presenting reoffense rates for these groups, it is necessary to explain how DJJ defines and measures recidivism. The challenges inherent in evaluating recidivism will be examined, followed by a detailed description of DJJ's definitions and methodology. Juvenile reoffense rates between FY 1998 and FY 2003 are presented for these two groups. Specific demographic information is presented for FY 2003 with all reoffense rates. Also, data for specific agency programs are provided for FY 2002 and 2003. The report concludes with an examination of the definitions, methodologies, and recidivism rates in states other than Virginia, including a table of recidivism rates for juveniles released from incarceration in other states.

## DEFINITIONS OF REOFFENDING

The American Correctional Association (ACA) has stated that the definition of recidivism is one of the primary issues for juvenile and adult correctional organizations/agencies. According to the ACA, “...there are numerous ways to measure recidivism...[d]epending on what perspective is taken, statistical outcomes may vary.”<sup>3</sup>

Three common definitions are used to measure reoffending:

- **Rearrest** refers to a juvenile complaint made at intake for a new delinquent offense or an adult arrest for a new criminal offense. Rearrest is an important measure of reoffending because it represents the initial official contact with the criminal justice system. However, rearrest rates are limited as a gauge of reoffending because rearrest measures police activity, and juveniles may be rearrested for offenses they did not actually commit.
- **Reconviction** refers to a guilty adjudication or conviction for a delinquent or criminal offense. This is a more stringent way to measure reoffending because a court of law has determined

that a juvenile committed the crime. The official definition of recidivism used by DJJ is reconviction (see sidebar).

- **Reincarceration** refers to a return to incarceration (after having been previously released from incarceration in a juvenile or adult facility) subsequent to rearrest and reconviction on a new criminal offense. This measure is the narrowest definition of reoffending.

Definitional issues concerning recidivism were discussed in a 2002 report by the National Center for State Courts on offender risk assessment and recidivism in Virginia.<sup>4</sup> The authors suggest measurement criteria that should be addressed by any study of recidivism – including different ways to define reoffending and length of follow-up for offenders after release. The report emphasized that the way recidivism is defined affects the interpretation of study results. Strengths and weaknesses are associated with each measure of recidivism.

Use of rearrest as a measure of recidivism has the advantage of not being influenced by court proceedings (offense reduction, plea bargaining, diversion) but may overestimate the level of reoffending because arrest criteria are less stringent than conviction criteria. Rearrest rates represent the maximum rate for reoffending as captured in official records.

Use of reconviction as a measure of recidivism lessens the likelihood of overestimating reoffense rates. Any discrepancies in court procedures will not influence the measurement of time to reoffense; therefore, reconvictions represent a subset of rearrests.

Reincarceration rates offer the most restrictive measure of reoffending. Juveniles recommitted to a JCC or sentenced to an adult facility have been considered by a judge to have

committed offenses serious enough to justify return to a correctional facility. The measure represents a further subset of rearrests.

## METHODS USED TO STUDY REOFFENDING

One method used to evaluate reoffending is the longitudinal cohort study. A cohort is simply a group of individuals who share some common characteristic, such as release from incarceration during a specific year. For longitudinal analysis, the chosen cohort is followed over a period of time so that the trends may be identified. In the case of recidivism analysis, a cohort is tracked for a certain follow-up period and any reoffenses are measured to allow for long-term trend analysis. Most recidivism studies use the longitudinal cohort method, including the recent Florida Department of Corrections' 2003 report on adult offender recidivism<sup>5</sup> and Virginia's 2004 evaluation of juvenile reoffending.<sup>6</sup>

The diagram on page 3 illustrates a typical path for a longitudinal cohort analysis. First, the cohort is established (in this example, all juveniles released from JCCs during FY 2003). At the end of a specified follow-up period (e.g., 12 months after release), all

instances of reoffending are identified. The cohort is then divided into two groups – those who did and those who did not reoffend. Those who did not reoffend are typically tracked for additional follow-up time intervals.

Not all recidivism studies use follow-up periods to track and evaluate reoffense rates. Some studies identify a cohort and then retrospectively examine the history (e.g., delinquent offenses, incarcerations) of cohort members. For example, Missouri's Division of Youth Services defined recidivism in their FY 2003 annual report as "the percentage of youth re-entering the division during the fiscal year who had received discharges during the current or previous years."<sup>7</sup> Examination of cohorts using historical information makes it difficult to determine what differences may exist between those who did and those who did not reoffend after contact with the justice system because this method only examines those who reoffend.

## ISSUES WITH THE STUDY OF REOFFENDING

Several methodological issues are relevant to the examination of reoffending, particularly for juveniles. First, the length of time used for follow-up after release from a correctional center or some other type of judicial action impacts recidivism results. Length of follow-up in previous studies has ranged anywhere from three months to five years, with most using one year. While reoffending rates are often highest within the first year after release or judicial action, limitation of follow-up to one year does not allow for a comprehensive analysis of reoffending patterns. The report by Ostrom, et al., recommends that studies of reoffending use a follow-up period of at least one to three years.<sup>8</sup>

Also, most studies have focused on offenders who have been released from correctional centers. Focusing on this

**In February 2000, the Director of the Department of Juvenile Justice issued an administrative directive (07-710) that established an official definition for recidivism to be used by the Department. The directive was updated in December 2004 to reflect changes in the Code of Virginia that have occurred since 07-710 was originally issued.**

**For the purposes of reporting recidivism rates of juveniles as required by Code of Virginia §2.2-222, the Department will use the following definition:**

**A recidivist is a person who is found by a court to have committed, after being (a) placed on probation or (b) released from confinement, a delinquent or criminal act other than violation of probation or parole.**

group limits understanding of reoffending rates because it does not allow for examination of the broader group of individuals who have contact with the justice system. It also eliminates the possibility of comparing individuals who have been incarcerated in secure facilities versus individuals who may have been sent to diversion programs or placed on probation.

Until recently, few studies tracked reoffenses through both the juvenile and adult justice systems. If a juvenile “ages into adulthood” during the tracking period, new offense information will be captured in the adult criminal justice system. If this source of information is not reviewed, the reported reoffense rate will likely be underestimated. A complete examination of juvenile reoffending is not possible unless all juvenile and adult contacts with the justice system are included.

Finally, studies of reoffending should include information on gender and age differences. There are well-documented normal developmental differences between males and females, as well as between juveniles in early versus late adolescence. Therefore, reoffending patterns should not be *assumed* to be the same for all juveniles.

## DJJ's STUDY OF JUVENILE REOFFENDING IN VIRGINIA

Data on juvenile offenders in Virginia are maintained in an automated database, the DJJ Juvenile Tracking System (JTS), that includes information on juvenile intakes, probation placements, and commitments to JCCs. DJJ also obtains statewide adult arrest, conviction, and incarceration information from the Virginia State Police, the Virginia Department of Corrections (DOC), and the State Compensation Board (the agency that tracks data on local jail sentences imposed by judges after adjudication). This information enables DJJ to capture a complete picture of

statewide juvenile reoffending patterns at all three levels of measurement in both justice systems.

For this report, DJJ examined juvenile reoffending patterns since FY 1998 with emphasis on the most recent reoffense rates. Juvenile and adult arrest data on individuals released from the JCCs or placed on probation during these years were examined. The follow-up period ranged from a minimum of one year to a maximum of three years, depending on the date the juvenile was released or placed. Demographic information on juveniles in the various cohorts is also included.

In order to address other states who use either rearrest or reincarceration as their official measure, all three measures of reoffending are presented for Virginia. It is important to note that the official DJJ recidivism definition in Virginia is based on measures of reconviction (see sidebar on page 2).

### DJJ's METHODOLOGY

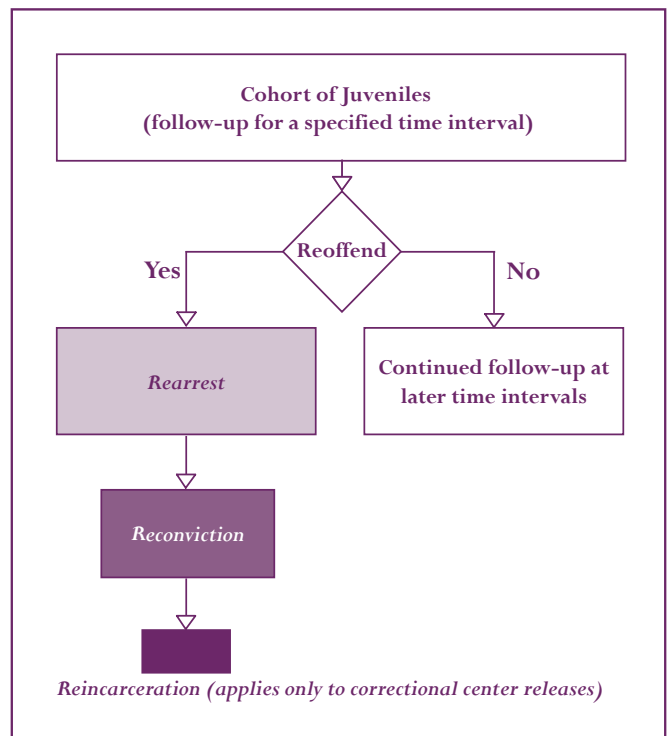
Cohorts were established for the following groups:

- **JCC Releases** – cohorts of all juveniles released from JCCs in a given fiscal year; and
- **Probation Placements** – cohorts of juveniles placed on probation in a fiscal year.

Reoffense tables in this report include the following data:

- **Rearrest rates** are presented for each year, for both the JCC Release and Probation Placement cohorts;
- **Reconviction rates** are presented for each year for the JCC Release cohorts,

### LONGITUDINAL REOFFENSE ANALYSIS FOR COHORTS OF JUVENILES RELEASED OR PLACED ON PROBATION



and for FY 2001-2003 for the Probation Placement cohorts; and

- **Reincarceration rates** for each year are presented only for the JCC Release cohorts. These rates represent reincarceration back into a JCC, incarceration into DOC (not a blended sentence), or a jail sentence imposed by a judge subsequent to release from a JCC.

Only offenses that involved new delinquent or criminal acts were included. Therefore, reoffense data did not include violations of probation or parole, contempt of court, failure to appear, or traffic (other than those that fall at the felony or misdemeanor level) offenses.

When the length of time to rearrest or reconviction is reported, it indicates the time between the date the juvenile was released from a JCC or placed on probation and the date of a new arrest. For reincarceration length of time, the difference between the release date from a JCC and the reincarceration is used.

## TWELVE-MONTH REOFFENSE RATES FOR JCC RELEASES AND PROBATION PLACEMENTS, FY 1998-2003

	JCC Releases						Probation Placements					
	1998	1999	2000	2001	2002	2003	1998	1999	2000	2001	2002	2003
<b>Rearrest</b>	47.0%	48.6%	48.6%	49.7%	52.2%	49.4%	39.7%	38.4%	36.8%	36.4%	35.8%	34.8%
<b>Reconviction</b>	36.3%	37.2%	38.9%	40.8%	42.7%	37.6%	N/A	N/A	N/A	25.9%	26.1%	24.8%
<b>Reincarceration</b>	16.0%	15.6%	17.1%	19.4%	18.4%	17.2%	N/A	N/A	N/A	N/A	N/A	N/A

The recidivism methodology utilized for this report:

- All new Probation Placements during FY 2002 and FY 2003 were used for the reoffense analysis. Using the entire population of probation placements minimizes any sampling error and allows for realistic comparisons to other studied populations. Prior to FY 2002, a randomly selected representative sample of probation placements from each CSU was used for the reoffense evaluation. This report uses those established probation placement samples for FY 1998-2001.
- When a juvenile was released more than once from a JCC within the same fiscal year, both releases were included in the calculation of reoffense rates. While this applies to only a few juveniles, including both more accurately reflects the reoffense rate each year.
- Juveniles who were sent directly to an adult prison upon their release from the JCCs were not included in the reoffense analysis because they never left state custody and therefore were never "at risk" of reoffending.

### DJJ's REOFFENSE RATES

The twelve-month rates are presented here for JCC Releases and Probation Placements because most studies use this as the primary follow-up period. (For further information on additional follow-up time periods please refer to the FY 2004 Data Resource Guide: [www.djj.virginia.gov](http://www.djj.virginia.gov)).

#### REARREST RATES AT TWELVE-MONTHS

- The rearrest rates at the 12-month follow-up for the JCC Release cohorts increased between FY 1998

and FY 2002 from 47.0% to 52.2%. The rearrest rate dropped noticeably for the FY 2003 JCC Release cohort, falling to **49.4%**.

- The 12-month follow-up rearrest rates for Probation Placement cohorts have steadily declined since FY 1998 from 39.7% to **34.8%** in FY 2003.
- Probation Placements have consistently lower rearrest rates at 12-month follow-up than JCC Releases. Since FY 1999, there has been at least a 10% difference in the rearrest rates of JCC Releases and Probation Placements.

#### RECONVICTION RATES (DJJ's OFFICIAL DEFINITION) AT TWELVE-MONTHS

DJJ re-examines rearrest cases each year to capture any new convictions that may previously have been pending. The historical reconviction rate is then adjusted accordingly. Due to methodological improvements, DJJ was able to include the entire population of FY 2002 and FY 2003 Probation Placements in the reconviction analysis.

- The reconviction rates at the 12-month follow-up for the JCC Release cohorts increased steadily between FY 1998 and FY 2002 from 36.3% to 42.7%. The reconviction rate dropped for FY 2003 JCC Releases to **37.6%**. While the reconviction rate will probably rise slightly when the pending and appealed cases are re-examined later, the trend itself is still likely to represent a decline from the previous year.
- A trend in the 12-month follow-up reconviction rates for the Probation Placement cohorts is less clear because only three cohorts have been evaluated (FY 2001 through FY 2003). The rate increased between FY 2001 and FY 2002; then declined to **24.8%** in FY 2003. As with the JCC Release cohorts,

the reconviction rates will be re-examined again to account for case dispositions that were not finalized at the time this report was published.

- For FY 2001 through FY 2003, Probation Placement cohorts have consistently had lower twelve-month reconviction rates than JCC Releases.

#### REINCARCERATION RATES AT TWELVE-MONTHS

By definition, reincarceration only applies to the JCC Release cohorts. For this report, information on reincarceration includes JCCs, jail, or adult prison.

The reincarceration rates at the 12-month follow-up for JCC Release cohorts have not shown the same consistency as the rearrest and reconviction rates. Reincarceration rates dropped slightly from 16.0% in FY 1998 to 15.6% in FY 1999. The reincarceration rates peaked in FY 2001 to 19.4%. In FY 2002 the reincarceration rates began to decline, falling to **17.2%** in FY 2003.

#### REOFFENSE RATES - DEMOGRAPHIC DATA

Information on gender, race, and age for the FY 2003 12-month reoffense rates is presented in the table on page 5. Data include the total number of juveniles in the FY 2003 JCC Release and Probation Placement cohorts, as well as the number and percentage who were rearrested, reconvicted, and reincarcerated (applicable for JCC Releases only) for each demographic subgroup.

- **Gender** - males had higher reoffense rates than females for both the JCC Release and Probation Placement cohorts. For example, of the 1,029



males in the JCC Release cohort, 530 (51.5%) were rearrested within 12-months.

- **Race/Ethnicity** - for both the JCC Release and Probation Placement cohorts, black juveniles had higher reoffense rates than other racial/ethnic groups. Hispanic juveniles in the JCC Release cohort had the second highest rearrest and reconviction rates.
- **Age** – for the JCC Release cohort, juveniles who were age 15 at the time of their release had the highest rearrest and reconviction rates; reincarceration rates were highest for juveniles who were age 14 at the time of their release from the JCCs. For the Probation Placement cohort, juveniles who were either 14 or 15 at the time they were placed on probation had the highest rearrest rates; and juveniles who were 12, 14, or 15 had the highest reconviction rates.

## REOFFENSE RATES FOR SPECIFIC DJJ PROGRAMS

DJJ strives to provide its committed juveniles with programmatic opportunities to assist their successful

return to the community. While juveniles are at the Reception and Diagnostic Center (RDC), they undergo extensive evaluations and assessments to determine their appropriate treatment needs. Not all juveniles that are committed are placed in a JCC. Several alternatives are available for juveniles who may be better served in a non-JCC facility. In the following pages, reoffense rates are reported for some of these programs and alternatives:

- Juveniles in the JCCs who have either a substance abuse or sex offender treatment need;
- Participants in special DJJ programs available for juveniles in the JCCs, such as Youth Industries or the Junior Reserve Officer Training Corps (JROTC); and
- Juveniles placed in a non-JCC facility for their commitment, such as the Virginia Wilderness Institute (VWI) or those sentenced to post-dispositional detention programs in locally operated juvenile detention homes.

Rearrest, reconviction, and reincarceration information is reported for each program for both FY 2002 and FY 2003. Because only two time points are measured, it is

too early to determine if these results constitute a trend. It should be noted that juveniles may have been included in more than one program. For example, a juvenile may have a sex offender treatment need and may also have participated in a Youth Industries program.

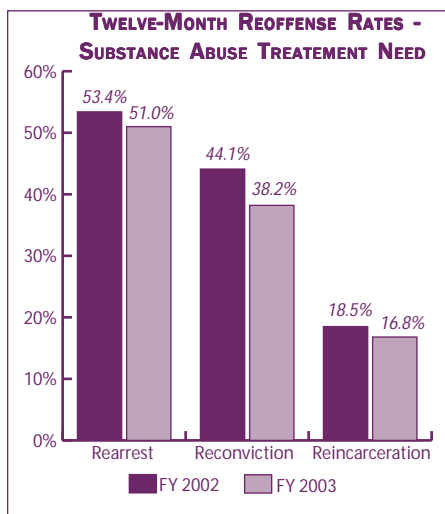
The following graphs are not intended to provoke a comparison or discussion of program similarities, but rather to present a summary of findings for the reoffense rates for these different programs. This reoffense information provides useful data not only for evaluating a program year-to-year, but also when comparing these programs to similar ones in other jurisdictions.

### SUBSTANCE ABUSE TREATMENT NEED

The relationship between substance abuse and risk for recidivism has been the focus of much research, both for adults committed to correctional facilities<sup>9,10</sup> and for incarcerated juvenile offenders.<sup>11,12</sup> Studies have noted the need for substance abuse treatment while juveniles are incarcerated, but results have been mixed regarding the impact of

### TWELVE-MONTH REOFFENSE RATES BY GENDER, RACE AND AGE, FY 2003

Demographics	FY 2003 JCC Releases								FY 2003 Probation Placements			
	Total	Rearrests		Reconvictions		Reincarcerations		Total	Rearrests		Reconvictions	
<b>Gender</b>												
Male	1,029	530	51.5%	403	39.2%	192	18.7%	5,714	2,177	38.1%	1,596	27.9%
Female	148	52	35.1%	39	26.4%	10	6.8%	2,033	518	25.5%	327	16.1%
<b>Race</b>												
Black	740	393	53.1%	295	39.9%	136	18.4%	3,201	1,330	41.5%	988	30.9%
White	393	172	43.8%	136	34.6%	62	15.8%	3,910	1,205	30.8%	817	20.9%
Hispanic	30	15	50.0%	11	36.7%	4	13.3%	418	110	26.3%	84	20.1%
Other	14	2	14.3%	0	0.0%	0	0.0%	218	50	22.9%	34	15.6%
<b>Age</b>												
Under 12	0	0	0.0%	0	0.0%	0	0.0%	133	27	20.3%	17	12.8%
12	2	0	0.0%	0	0.0%	0	0.0%	257	89	34.6%	70	27.2%
13	9	5	55.6%	4	44.4%	2	22.2%	676	236	34.9%	163	24.1%
14	38	19	50.0%	17	44.7%	10	26.3%	1,150	417	36.3%	311	27.0%
15	120	72	60.0%	58	48.3%	28	23.3%	1,595	587	36.8%	428	26.8%
16	225	112	49.8%	88	39.1%	35	15.6%	1,881	653	34.7%	458	24.3%
17	378	185	48.9%	145	38.4%	67	17.7%	1,855	625	33.7%	432	23.3%
18 or older	405	189	46.7%	130	32.1%	60	14.8%	200	61	30.5%	44	22.0%
<b>Total</b>	<b>1,177</b>	<b>582</b>	<b>49.4%</b>	<b>442</b>	<b>37.6%</b>	<b>202</b>	<b>17.2%</b>	<b>7,747</b>	<b>2,695</b>	<b>34.8%</b>	<b>1,923</b>	<b>24.8%</b>



different treatment modalities on recidivism rates.

Since FY 2002, approximately 60-70% of juveniles committed to DJJ each year have a recognizable substance abuse treatment need. This need is determined using standardized measures and clinical determinations. Substance abuse treatment is provided in each JCC and includes individual counseling, psycho-educational groups, and therapy process groups.

Therapists providing substance abuse treatment services are licensed in their respective discipline or certified by the Commonwealth of Virginia as substance abuse counselors. All therapists are provided clinical supervision by a licensed professional.

The rates presented reflect results for all juveniles who had a substance abuse treatment need, regardless of program completion.

In FY 2002, 834 JCC releases had a substance abuse treatment need.

- 53.4% were rearrested, 44.1% were reconvicted, and 18.5% were reincarcerated within 12 months.
- Each of these rates was higher than the reoffense rates for JCC releases *not* identified with a substance abuse treatment need who were released in FY 2002.

In FY 2003, 802 JCC releases had a substance abuse treatment need.

- 51.0% were rearrested, 38.2% were reconvicted, and 16.8% were reincarcerated within 12 months.
- The rearrest and reconviction rates were higher but the reincarceration rate was lower than rates for JCC releases *not* identified with a substance abuse treatment need who were released in FY 2003.

## SEX OFFENDER TREATMENT NEED

While there has been a great deal of research on adult sex offender recidivism rates,<sup>13</sup> researchers have only recently focused specifically on juvenile sex offenders.<sup>14, 15</sup> Recidivism results from several studies were summarized in a recent review of juvenile sex offender literature published by the Office of Juvenile Justice and Delinquency Prevention (OJJDP).<sup>16</sup> OJJDP also provides a lengthy bibliography of research on juvenile sex offenders, including recidivism, on their website.<sup>17</sup>

Each year, approximately 10% of juveniles committed to DJJ have a sex offender treatment need. Sex offender treatment services are provided at four of the JCCs, utilizing specialized self-contained units that house between 10 and 24 juveniles each. The average length of stay for juveniles with a sex offender treatment need was 28 months in FY 2004.

Although a juvenile may have a sex offender treatment need and may receive services, not all juveniles complete their treatment (they may reach the 36-month maximum for an indeterminate commitment and leave DJJ's care without completing their prescribed treatment). The rates presented reflect results for all juveniles who had a sex offender treatment need, regardless of program completion.

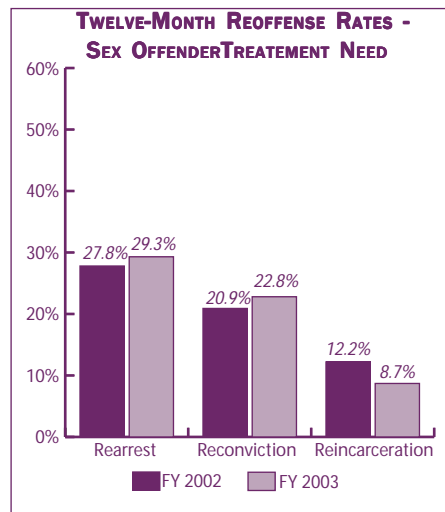
In FY 2002, 115 JCC releases had a sex offender treatment need.

- 27.8% were rearrested, 20.9% were reconvicted, and 12.2% were reincarcerated within 12 months.

- Each of these rates was lower than the reoffense rates for JCC releases *not* identified with a sex offender treatment need who were released in FY 2002.

In FY 2003, 92 JCC releases had an identified sex offender treatment need.

- 29.3% were rearrested, 22.8% were reconvicted, and 8.7% were reincarcerated within 12 months.
- Each of these rates was lower than the reoffense rates for JCC releases *not* identified with a sex offender treatment need who were released in FY 2003.



## YOUTH INDUSTRIES PROGRAMS

Youth Industries programs are provided in most of Virginia's JCCs as part of DJJ's effort to assist youth in gaining valuable vocational experience prior to release back into the community. The programs were developed in partnership with the Virginia Department of Correctional Education (DCE) and the U.S. Department of Labor. Since the program's inception, over 400 juveniles have participated in apprenticeships and enterprise training.

A complete review of Virginia's Youth Industries programs was published by DJJ in 2004.<sup>18</sup> Juveniles selected to participate receive vocational and

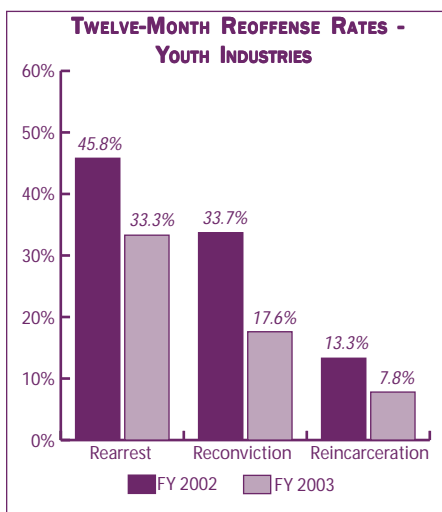
*“Recidivism is conceptually a measure of failure, which may be broadly or restrictively defined.”<sup>9</sup>*

academic instruction as well as hands-on training in a number of fields. These include areas such as offset printing, computer repair, barbering, electrical, horticulture, embroidery, advertising and design, woodworking, and silk screening.

The following information is presented as an initial overview of DJJ's reoffense rates for juveniles released from the JCCs in FY 2003 who participated in a Youth Industries program at some point in their stay. It is important to consider that juveniles involved in Youth Industries are often committed for more serious offenses and thus may be at greater risk for reoffending when released.

In FY 2002, 83 juveniles released from the JCCs had participated in Youth Industries programs.

- 45.8% were rearrested, 33.7% were reconvicted, and 13.3% were reincarcerated within 12 months.
- Each of these rates was lower than the reoffense rates for JCC releases who did *not* participate in Youth Industries who were released in FY 2002.



In FY 2003, 51 juveniles released from the JCCs had participated in Youth Industries programs.

- 33.3% were rearrested, 17.6% were reconvicted, and 7.8% were reincarcerated within 12 months.
- Each of these rates was lower than the reoffense rates for JCC releases who did *not* participate in Youth Industries who were released in FY 2003.

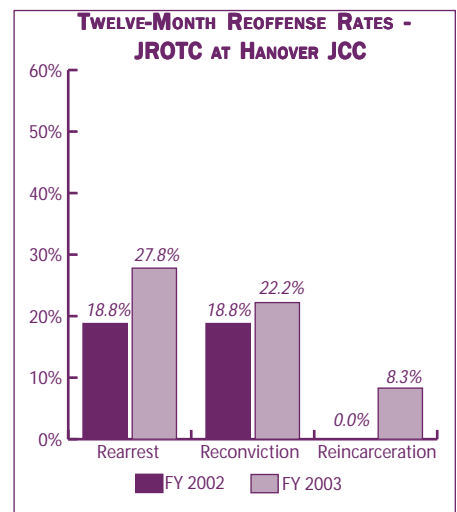
### JROTC AT HANOVER JCC

DCE operates an Army JROTC program which serves approximately 100 youth committed to Hanover JCC. JROTC is a highly structured program based on a military model and includes the wearing of standard army military uniforms. The program is designed to teach juveniles about citizenship, leadership, service, and personal responsibility. The program is a combination of classroom instruction and practical application of military concepts taught within a standard high school setting. The program provides the same rank structure used by the Army and affords juveniles the opportunity to practice what they learn, obtain rank, and demonstrate their leadership ability.

Only a few such programs operate in juvenile facilities across the U.S. (including Virginia, South Carolina, and North Carolina). DCE's JROTC program was the second of its kind in the nation. They also participate in a yearly military exercise called Camp Cobra which takes place on the Hanover campus. The JROTC color guard is frequently used at official state and DJJ ceremonies.

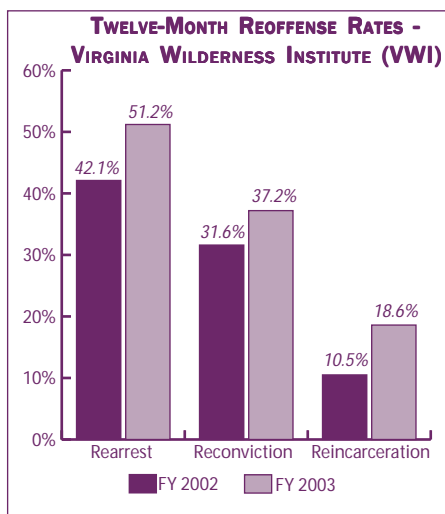
The rates reported for juveniles in the Hanover JROTC program reflect reoffending for only a few juveniles due to the small number of juveniles in this program. For this reason, comparison to the overall reoffense rates for JCC releases is not presented.

- In FY 2002, 16 juveniles released from the JCCs had been in the Hanover JCC JROTC program. The same percentage of juveniles (18.8%) were both rearrested and reconvicted within 12 months. None of these juveniles were reincarcerated within 12 months.
- In FY 2003, 36 juveniles released from the JCCs had participated in the Hanover JCC JROTC program. 27.8% were rearrested, 22.2% were reconvicted, and 8.3% were reincarcerated within 12 months.



### VIRGINIA WILDERNESS INSTITUTE

VWI is a 32-bed, privately contracted facility that serves male juveniles committed to DJJ. Juveniles sent to VWI are offered a highly structured residential program focused on accountability and competency. Emphasis is placed on work ethic, education, self-discipline, responsibility, and accountability through participation in rigorous work and daily structure. VWI offers a full range of academic and vocational instruction as well as a community coordinator to work with each juvenile to assist with transition to the community. This coordination



includes assistance with job search, school re-enrollment, and locating other support services in the community.

Again, these rates reflect reoffending for only a few juveniles due to the small number of juveniles in this program. For this reason, comparison to the overall reoffense rates for JCC releases is not presented.

- In FY 2002, 38 juveniles were released from VWI. 42.1% were rearrested, 31.6% were reconvicted, and 10.5% were reincarcerated within 12 months.
- In FY 2003, 43 juveniles were released from VWI. 51.2% were rearrested, 37.2% were reconvicted, and 18.6% were reincarcerated within 12 months.

## POST-DISPOSITIONAL DETENTION PROGRAMS

Post-dispositional detention programs offer judges a placement option for offenders who have never been committed to DJJ and who need services in a secure setting. Currently, 16 juvenile detention facilities have dedicated bed space for post-dispositional detention, where sentenced juveniles are required to have an individualized service plan and may stay to complete up to six months of facility- and community-based services.

While an “incarceration rate” is included, this is not a true reincarceration rate

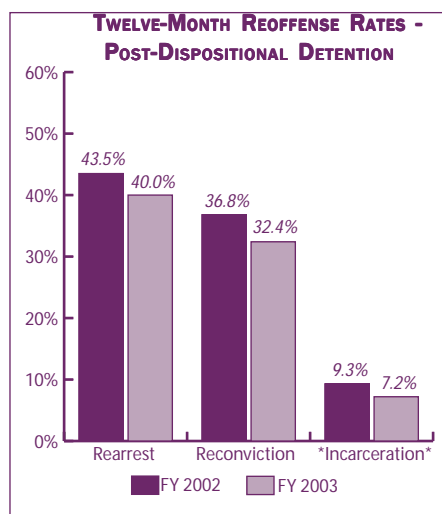
because, according to the *Code of Virginia*, these juveniles had never been placed in a JCC.

In FY 2002, 269 juveniles were released from a post-dispositional detention program.

- 43.5% were rearrested, 36.8% were reconvicted, and 9.3% were “incarcerated” in either a JCC or adult facility within 12 months.
- Each of these rates was lower than the reoffense rates for all JCC releases in FY 2002.

In FY 2003, 250 juveniles were released from a post-dispositional detention program.

- 40.0% were rearrested, 32.4% were reconvicted, and 7.2% were reincarcerated within 12 months.
- Each of these rates was lower than the reoffense rates for all JCC releases in FY 2003.



## JUVENILE REOFFENSE RATES FOR OTHER STATES

Reporting reoffense rates across several years, using consistent definitions and methodology, has given DJJ the advantage of knowing how juvenile recidivism has changed from year to year in Virginia. While this information is useful, it does not provide a sense of how Virginia’s reoffense rates compare with those in other states. DJJ examined existing recidivism reports from juvenile justice agencies in other states (or

agencies with similar mandates to assist juveniles in need, such as departments of youth services).

This examination revealed a wide variety of definitions of reoffending and methodologies used by juvenile justice agencies in the 50 states (see map on page 10). DJJ thus concluded that it would be ambiguous and unwise to attempt a simple comparison of rates. In order to better understand recidivism rates reported by other states, DJJ communicated directly with staff from other juvenile justice agencies to discuss their methodology and definitions. This was in an effort to describe the measures used as distinctly and discretely as possible. States that measured recidivism for juvenile institution releases are included in a table with definitions and rates (see page 11). Information for other states is included in the sidebar on page 10.

Other studies have examined recidivism measures used by juvenile justice departments in every state. One such study was conducted by the Texas Youth Commission in 1997.<sup>20</sup> Results indicated that 27 states measured juvenile recidivism. A 1999 study by the Florida Department of Juvenile Justice revealed that 26 states reported some method of evaluating juvenile recidivism, with 20 states using cohort analysis.<sup>21</sup> Most recently, the Oklahoma Office of Juvenile Affairs sent a survey to all states requesting information on performance measures used for juvenile offender programs in 2001.<sup>22</sup> Oklahoma received an initial response from 28 states. The report also included a comparison table with Oklahoma’s interpretation of results from previous studies. In addition to these three national studies, the Annie E. Casey Foundation presented recidivism information for selected states in the 2003 edition of *AdvoCasey*.<sup>23</sup>

Examination of other states’ reports made it clear that simply reporting rates



may result in inaccuracies in interpretation. The definitions and methodology used to assess juvenile recidivism are intrinsically tied to the understanding of the rates reported. For example, the most recent juvenile recidivism rate reported by Missouri is 9.0%. Communication with Missouri's juvenile justice agency clarified the definition and methodology used by Missouri. Missouri defines recidivism as any subsequent commitment to their secure juvenile correctional facilities within 12-months of parole release (for FY 2003 parole releases). Using similar criteria, the subsequent commitment rate for Virginia juveniles released from parole supervision in FY 2003 and returning to a Virginia JCC within 12-months is 10.1%. Clearly, accurate understanding of definitions and methodologies is crucial when reporting recidivism rates for other states and attempting a state-by-state comparison.

### QUESTIONS TO CONSIDER WHEN EVALUATING REOFFENSE RATES

As DJJ researched the recidivism reports from other states, a set of important questions to consider emerged. The table for reoffense data from states that report information on incarcerated youth (page 11) addresses these questions.

*What is the upper age of juvenile court jurisdiction?*

According to the OJJDP website for *Easy Access to Juvenile Court Statistics: 1985-2000*, "the upper age of court jurisdiction refers to the oldest age at which a juvenile court has original jurisdiction over an individual for law-violating behavior."<sup>24</sup> Age of juvenile court jurisdiction makes a difference

when reporting recidivism rates, especially for states that do not track reoffense data into the adult criminal justice system.

- The upper age for juvenile court jurisdiction is 17 in 37 states (including Virginia); the other 13 states establish upper age of juvenile jurisdiction at 15 or 16.
- Illinois and Missouri have 16 as the upper age of juvenile court jurisdiction and do not track offenses into the adult justice system.
- While New York does track reoffenses into the adult system, juvenile court



jurisdiction is limited to juveniles age 15 and younger.

*What is the year reported for the cohort (or group) measured?*

It is important to know what year was measured, for either longitudinal follow-up or a one-time measure of reoffending, so that the groups being compared are equivalent. States with more recent recidivism results may differ noticeably from states with results from several years ago.

- Several states have recent recidivism results, such as Virginia, Arkansas, Colorado, Ohio, and Oklahoma. Other

states have data that result from older studies, such as Washington, New York, and Hawaii.

*What is the length of the follow-up period?*

As mentioned earlier, follow-up rates can be measured for as little as three months or as long as five years. Therefore, when examining rates, one may appear remarkably lower at first glance, but the difference may be explained by variation in the follow-up period. Follow-up can occur either after physical release from an institution or facility or upon discharge from state-care (i.e. parole or aftercare).

- Ohio used three- and six-month rates in their report, but provided Virginia with a 12-month rate for this study.

- Texas had a 12-month rate, but follows juveniles for up to five years after release.

*Is a longitudinal cohort used?*

Several states reported that they did not follow a cohort of juveniles for their analyses, but rather looked at the reoffense rates at a specific point in the justice system, such as intake or incarceration. Also, some states use specific subsets of their incarcerated juvenile populations for longitudinal cohorts.

- Delaware reported rearrest data for a cohort defined as "Level V" juveniles - the most intensive programming available for juveniles who are incarcerated.

- Nebraska reported data for recommitment by facility instead of aggregated statewide rates.

*What types of offenses are included when evaluating juvenile recidivism?*

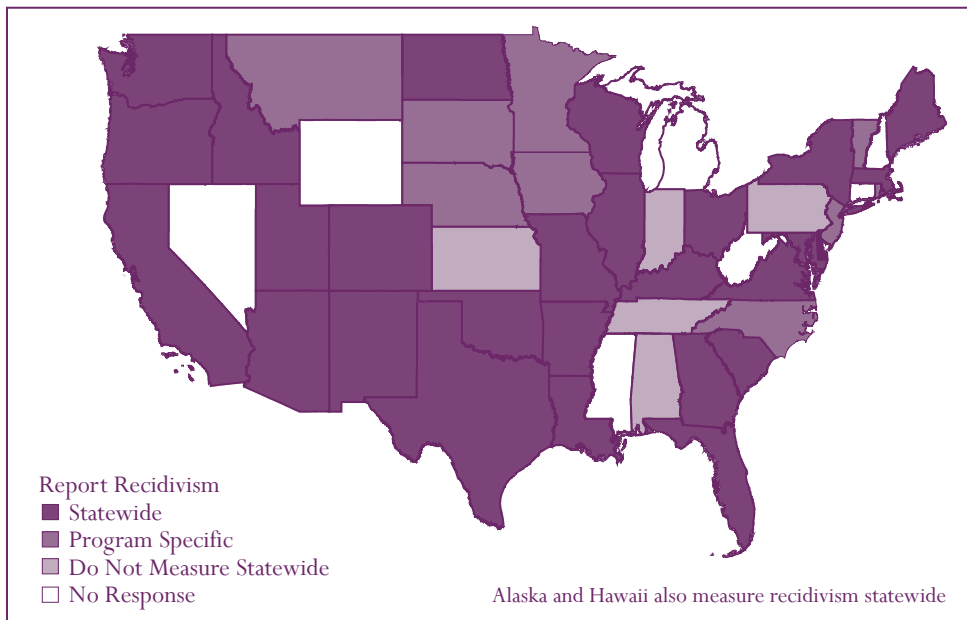
States may choose to include all offenses when analyzing reoffense rates or may exclude such offenses as parole and probation violations, technical offenses, or traffic offenses.

- Virginia and most other states used only delinquent and criminal offenses when reporting reoffense rates.
- Washington tracked only felonies for reconviction rates (its measure of reoffending).

*Are reoffenses tracked into the adult justice system?*

Examination of offenses in both systems allows for a comprehensive picture of reoffending across long-term follow-up.

- Many states, including Virginia, track reoffenses in both systems.
- States may limit analysis to juvenile offenses because of resource limitations, data sharing issues across



## Methodology Overview

To obtain recidivism information, DJJ initially researched websites and contacted individuals in each state either via phone or email. Acquired information was then disseminated to the Director of each state's DJJ (or responsible agency) for verification. The table presented on page 11 is a reflection of those verified data from the 27 states that evaluate recidivism for juveniles released from state incarceration. States were excluded from the table for reasons cited below:

**Measure recidivism from referral to referral (statewide):**

Maine Oregon

**Measure recidivism only for specific populations, facilities, or programs:**

Iowa Minnesota  
Montana Nebraska  
New Jersey North Carolina  
Rhode Island South Dakota  
Vermont

**Do not measure recidivism at the state level:**

Alabama Indiana Kansas  
Pennsylvania Tennessee

**No response:**

Connecticut Michigan Mississippi  
New Hampshire Nevada West Virginia  
Wyoming

agencies, or adherence to legislative mandates.

*What types of reoffenses are officially reported?*

For most states that measure juvenile recidivism, reoffending is defined as rearrest, reconviction, or recommitment. While states may have results for all three measures, they may report only one as the official measure of recidivism. Because these definitions reflect different levels of contact (and seriousness of the offense as determined by court action), it is important to specify which measures are being evaluated when discussing recidivism results for other states.

- Virginia reported reconviction as the official definition but also measures rearrest and reincarceration. Georgia reported only reconviction information. New Mexico reported readjudication and reincarceration, while Texas used rearrest and reincarceration as the measures of reoffending.

## CONCLUSION

At the beginning of this project, the notion of juvenile recidivism as a “fruit salad” concept was apparent. As data from Virginia and other states were more closely analyzed, it became increasingly obvious that juvenile recidivism could be more accurately described as a “buffet.” This buffet offers an almost infinite diversity of definitions, populations, samples, measures, and rates from which to choose. The measures and

methods chosen by each state to gauge recidivism reflect the individual programs and services offered and the availability of data with which to track reoffending.

Recidivism measures and definitions should be applied consistently to any programs or populations studied *within* a state. Results for one state, however, may not be comparable when viewed through the “lens” of another state’s requirements. It is probably unwise and inadvisable to look at the juvenile recidivism rate for one state and compare it to the rate in another state – the populations, juvenile justice statutes, and measurement needs of each state are too different.

The goal of this report is to provide detailed information about how juvenile recidivism is measured in Virginia, and to give a brief introduction to recidivism research in other states. Hopefully, this report will move the juvenile justice field closer to a dialogue about the definitions and methodologies used to measure juvenile recidivism by all states.

**For a complete source listing on information acquired from states other than Virginia, please see DJJ’s website at:**  
[www.djj.virginia.gov](http://www.djj.virginia.gov).

REOFFENSE DATA FROM OTHER STATES - JUVENILES RELEASED FROM STATE INCARCERATION								
State	Upper Age*	Year of Release**	Follow-up Period	Cohort Followed	Offenses Included	Systems Researched	Reoffense Type	Rate
Alaska	17	FY02	12 months	YES	Delinquent/Criminal	Juvenile & Adult	Reconviction	38.7%
Arizona	17	FY02	12 months	YES	ALL	Juvenile & Adult	Reincarceration	18.2%
Arkansas	17	FY03	12 months	NO	Delinquent/Criminal	Juvenile only	Recommitment	11.0%
California	17	FY02	12 months	YES	ALL	Juvenile only	Recommitment	20.0%
Colorado	17	FY03	12 months post release from all services	YES	Delinquent/Criminal	Juvenile & Adult	New filing	34.4%
Delaware	17	FY02	12 months	YES - level V	Delinquent/Criminal	Juvenile & Adult	Rearrest	69.0%
Florida	17	FY01-02	12 months	YES	Delinquent/Criminal	Juvenile & Adult	Rearrest Reconviction Reincarceration	60.0% 41.0% 29.0%
Georgia	16	FY02	12 months	YES	Delinquent/Criminal	Juvenile & Adult	Reconviction	29.4%
Kentucky	17	CY00-01	12 months	YES	Delinquent/Criminal	Juvenile & Adult	Reconviction	40.0%
Maryland	17	FY02	12 months	YES	ALL Delinquent/Criminal Delinquent/Criminal	Juvenile & Adult	Re-referral Reconviction Reincarceration	54.7% 31.9% 25.5%
Massachusetts	16	CY00	12 months post release from all services	YES	Criminal	Adult only	Rearrest Reconviction Reincarceration	58.0% 29.0% 21.0%
Missouri	16	FY03	12 months post parole release	NO	Delinquent	Juvenile only	Reincarceration	9.0%
New Mexico	17	FY04	12 months	NO	Delinquent	Juvenile only	Readjudication Reincarceration	7.6% 16.7%
New York	15	CY91-95	12 months	YES***	Delinquent/Criminal	Juvenile & Adult	Rearrest	57.0%
North Dakota	17	FY01	12 months	YES	Delinquent/Criminal	Juvenile & Adult	Reconviction	16.9%
Ohio	17	CY03	12 months	YES	ALL	Juvenile & Adult	Reincarceration	31.0%
Oklahoma	17	FY03	12 months	YES	Delinquent/Criminal	Juvenile & Adult	Reconviction	26.9%
South Carolina	16	FY00	12 months	YES	ALL	Juvenile & Adult	Rearrest	46.6%
Texas	16	FY03	12 months	YES	ALL	Juvenile & Adult	Rearrest Reincarceration	54.9% 26.9%
Utah	17	Youth in corrections as of 9/1/02	12 months	NO	ALL	Juvenile only	Rearrest	43.0%
Virginia	17	FY03	12 months	YES	Delinquent/Criminal	Juvenile & Adult	Rearrest Reconviction Reincarceration	49.4% 37.6% 17.2%
The following states did not report reoffense data for 12 months								
Hawaii	17	FY96-98	24 months	YES	ALL	Juvenile & Adult	Rearrest Reconviction Reincarceration	77.7% 51.4% 25.1%
Idaho	17	FY98-01	24 months	YES	Delinquent/Criminal	Juvenile & Adult	Reconviction	50.2%
Illinois	16	FY01	36 months	YES	ALL	Juvenile only	Recommitment	46.6%
Louisiana	16	FY02	30 month average - post parole release	YES	Delinquent/Criminal	Juvenile & Adult	Readjudication/ reconviction & returned to custody or supervision	44.2%
Washington	17	CY99	18 months	YES	Felony	Juvenile & Adult	Reconviction	40.0%
Wisconsin	16	CY02	24 months	YES	Delinquent/Criminal	Juvenile & Adult	Reincarceration	24.9%

\*Upper age of juvenile court jurisdiction according to the OJJDP website

\*\*Applies only to cohort studies; otherwise refers to study year

\*\*\*Includes juvenile offenders, juvenile delinquents, and persons in need of supervision (PINS)

## ENDNOTES

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<sup>2</sup> Ibid.

<sup>3</sup> American Correctional Association, Research Questions. <http://www.aca.org/research/questions.asp>.

<sup>4</sup> Ostrom, B.J., et al. (2002). Offender Risk Assessment in Virginia: A Three-Stage Evaluation. Williamsburg, VA: National Center for State Courts.

<sup>5</sup> Florida Department of Corrections (July 2003). Recidivism Report: Inmates Released from Florida Prisons - July 1995 through June 2001, Tallahassee, FL.

<sup>6</sup> Data Resource Guide Fiscal Year 2004. Virginia Department of Juvenile Justice. Richmond, VA: December 2004.

<sup>7</sup> Missouri Department of Social Services, Division of Youth Services Annual Report, Fiscal Year 2003.

<sup>8</sup> Ostrom, et al., 2002.

<sup>9</sup> Florida Department of Corrections (January 2001). Analysis of the Impact of Inmate Programs upon Recidivism, Tallahassee, FL.

<sup>10</sup> Harrison, L.D. and Martin, S.S. (April 2003). Residential Substance Abuse Treatment for State Prisoners: Implementation Lessons Learned. National Institute of Justice, Bureau of Justice Assistance, NCJ 195738.

<sup>11</sup> Lexcen, F. and Redding, R.E. (2000). Substance Abuse and Dependence in Juvenile Offenders. *Juvenile Justice Fact Sheet*. Charlottesville, VA: Institute of Law, Psychiatry, and Public Policy, University of Virginia.

<sup>12</sup> Wilson, J.J., et al. Substance Abuse and Criminal Recidivism: A Prospective Study of Adolescents. *Child Psychiatry and Human Development*, 31(4), Summer 2001.

<sup>13</sup> Center for Sex Offender Management (May 2001). Recidivism of Sex Offenders. <http://www.csom.org/pubs/recidsexof.html>.

<sup>14</sup> Chaffin, M., et al. (2002). What Research Shows About Adolescent Sex Offenders. Juvenile Justice Prosecution Program *In Re Newsletter*, Volume V, Number 2. The Fact Sheet was prepared through the National Center on Sexual Behavior of Youth at the Center of Child Abuse and Neglect, University of Oklahoma Health Sciences Center.

<sup>15</sup> Hunter, J.A. (2000). Understanding juvenile sex offenders: Research Findings and Guidelines for Effective Management and Treatment. *Juvenile Justice Fact Sheet*. Charlottesville, VA: Institute of Law, Psychiatry, and Public Policy, University of Virginia.

<sup>16</sup> Rightland, S. and Welch, C. (March 2001). Juveniles Who Have Sexually Offended: A Review of the Professional Literature. Office of Juvenile Justice and Delinquency Prevention. NCJ 184739.

<sup>17</sup> Office of Juvenile Justice and Delinquency Prevention. Juvenile Justice Research Bibliography. <http://ojjdp.ncjrs.org/juvsexoff/sexbibtopic.html>.

<sup>18</sup> Virginia Department of Juvenile Justice. DJJ Research Quarterly. Youth Industries in Virginia: A Comprehensive Review. Richmond, VA: July 2004.

<sup>19</sup> Clements, W.H., et al. Recidivism Among Delinquency Cases in Vermont. Vermont Center for Justice Research. March, 2001.

<sup>20</sup> Texas Youth Commission. Summary of Results of the National Recidivism Methods Study conducted by the Texas Youth Commission. 1997.

<sup>21</sup> National Comparisons from State Recidivism Studies. Prepared by the Bureau of Data and Research, Florida Department of Juvenile Justice, Management Report Number 99-13, 1999.

<sup>22</sup> Oklahoma Office of Juvenile Affairs, Office of Planning and Research. National Survey of States: Program Performance and Outcomes Measures. December 2001.

<sup>23</sup> Mendel, D. A Matter of Choice: Forks in the Road for Juvenile Justice. *AdvoCasey*, Vol. 5 (No. 1), Spring, 2003.

<sup>24</sup> Office of Juvenile Justice and Delinquency Prevention. Easy Access to Juvenile Court Statistics: 1985-2000 (Glossary). <http://ojjdp.ncjrs.org/ojstatbb/ezajcs/html/glossary.html>.